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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,454	10/16/2003	Daniel Scott Homa	073103-1	8739
7590 Wendy W. Koba P.O. Box 556 Springtown, PA 18081		EXAMINER DEIGHAN, QUEENIE S		
		ART UNIT 1791		
		MAIL DATE 10/22/2008		
		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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DANIEL SCOTT HOMA

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Application No. 10/687,454  
Technology Center 1700

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Mailed: October 21, 2008

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 5, 2008 . A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The following certified English translation of Ishikawa, Shinji  
“Production of Optical Fiber Preform” Japan Patent Abstract, (July 13,  
1990) listed under the Evidence Relied Upon section of the Examiner’s  
Answer filed on January 23, 2008, is missing from the IFW file. Appropriate  
correction is required.

MPEP 1207.02 states in part:

If a document being relied upon by the examiner in support of a rejection is in a language other than English, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The translation should be obtained prior to the appeal conference so that the participants of the appeal conference can consider the translation. The examiner should reference the pertinent portions of the translation at least in the grounds of rejection section of the answer. See MPEP § 706.02 for reliance upon abstracts and foreign language documents in support of a rejection.

**Accordingly, it is**

**ORDERED** that the application is being electronically returned  
to the Examiner to have the certified English translation for the reference  
listed above scanned into the record and for such further action as may be  
appropriate.

Application No. 10/687,454

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/gjh

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